

House Bill 1193 (AS PASSED HOUSE AND SENATE)

By: Representatives Knight of the 126th, Rice of the 51st, Coleman of the 97th, Ralston of the 7th, and Talton of the 145th

A BILL TO BE ENTITLED

AN ACT

To amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, so as to prohibit owning or operating vehicles containing false or secret compartments; to provide for definitions; to provide for proof of intent under certain circumstances; to prohibit operating any vehicle containing false or secret compartments, installing false or secret compartments in a vehicle, or selling a vehicle with false or secret compartments; to provide for a penalty; to provide for disposition of a vehicle containing a false or secret compartment; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, is amended by adding a new Code section to read as follows:

"16-11-112.

(a) As used in this Code section, the term:

(1)(A) 'False or secret compartment' means any enclosure which is integrated into or attached to a vehicle and the purpose of the compartment is to conceal, hide, or prevent discovery by law enforcement officers of:

(i) A person concealed for an unlawful purpose;

(ii) Controlled substances possessed in violation of Article 2 of Chapter 13 of this title; or

(iii) Other contraband.

(B) Examples of 'false or secret compartment' may include, but are not limited to:

(i) False, altered, or modified fuel tanks;

1 (ii) Original factory equipment on a vehicle that has been modified; or

2 (iii) Any compartment, space, or box that is added or attached to existing
3 compartments, spaces, or boxes of the vehicle.

4 (2) 'Vehicle' includes, but is not limited to, cars, trucks, buses, motorcycles, bicycles,
5 aircraft, helicopters, boats, ships, yachts, and other vessels.

6 (b) It may be inferred that the accused intended to use a false or secret compartment if a
7 person knowingly has a false or secret compartment which:

8 (1) Is concealing a person for an unlawful purpose;

9 (2) Is concealing a controlled substance in violation of Article 2 of Chapter 13 of this
10 title;

11 (3) Is concealing other contraband;

12 (4) Shows evidence of the previous concealment of a person for an unlawful purpose;

13 (5) Shows evidence of the previous concealment of controlled substances in violation of
14 Article 2 of Chapter 13 of this title; or

15 (6) Shows evidence of the previous concealment of other contraband.

16 (c)(1) It is unlawful for any person to knowingly own or operate any vehicle containing
17 a false or secret compartment.

18 (2) It is unlawful for any person to knowingly install, create, build, or fabricate in any
19 vehicle a false or secret compartment.

20 (3) It is unlawful for any person to knowingly sell, trade, or otherwise dispose of a
21 vehicle which is in violation of this Code section.

22 (d) Any person who violates this Code section shall, upon conviction thereof, be punished
23 by imprisonment for not less than one nor more than two years, by a fine not to exceed
24 \$10,000.00, or both.

25 (e) Upon the arrest of a person who owns or is operating a vehicle which is in violation of
26 this Code section, if the vehicle is not otherwise subject to forfeiture under other provisions
27 of law, or not determined to be needed to be held as evidence, the law enforcement officer
28 shall seize the license plate and registration for such vehicle and shall issue a citation for
29 violation of this Code section and a temporary license plate for the vehicle. The temporary
30 license plate shall be on a form as prescribed by the state revenue commissioner. The
31 temporary license plate shall be valid for 30 days or until the owner of the vehicle provides
32 verification that such vehicle has been repaired so as to eliminate any violation of this Code
33 section, whichever occurs first. Such vehicle shall be subject to inspection by law
34 enforcement and if it is determined that such vehicle has been repaired, the license plate
35 and registration shall be returned to the owner at such time."

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